

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KAREEN HAYES,

Plaintiff,

v.

LAURA FLEURY, et al

ORDER

Case No. 21-cv-728-jdp

Defendants.

On November 17, 2021, the court entered an order giving plaintiff Karen Hayes until December 8, 2021, to submit a trust fund account statement for the period beginning approximately May 17, 2021 and ending approximately November 17, 2021. Now, plaintiff has filed a motion to use release account funds to pay the entire fee for filing this case.

However, with the exception of initial partial payments, federal courts lack the authority to tell state officials whether and to what extent a prisoner should be able to withdraw money from a release account. Plaintiff cannot use release account funds to pay the entire balance of the filing fee, and so plaintiff's motion will be denied.

For this case to proceed, plaintiff must submit a certified trust fund account statement no later than December 29, 2021. If I find that plaintiff is indigent, I will calculate an initial partial payment amount that must be paid before the court can screen the merits of the complaint under 28 U.S.C. § 1915(e)(2). Thereafter, plaintiff will be required to pay the balance of the filing fee in installments.

ORDER

IT IS ORDERED that,

1. Plaintiff Karen Hayes' motion for use of release account funds to pay the entire filing fee in this case (Dkt. #4) is DENIED.
2. Plaintiff Karen Hayes may have an enlargement of time, until December 29, 2021, to submit a certified trust fund account statement for the period beginning approximately May 17, 2021 and ending approximately November 17, 2021. If by December 29, 2021, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 29th day of November, 2021.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge